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## REMARKS

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims **97-102** are pending.

Claims **97-102** have been rejected.

Claims **97-102** have been amended in this submission. It is respectfully submitted that no new matter has been added by these amendments.

### Remarks to Amendment of Claim 97

Claim 97 has been amended in this submission. Applicants respectfully assert the translation from German into the English language led to semantic inaccuracies in some of the critical terms. Specifically, the term “auf einer festen Oberfläche aufsetzbar und verschiebbar ist” in German, should have been translated as “can be placed and shifted on a solid surface in a mechanically stable manner” and not as “can be displaced on a solid base surface”, as was previously translated. Accordingly, the amendments to the claim add no new matter and are related to correction of the translation errors. The specification was also corrected to correct the error in the translation of “auf einer festen Oberfläche aufsetzbar und verschiebbar ist”.

In support of the above amendment, Applicants submit herewith a declaration of the inventor, Professor Gunther FUHR. Professor Fuhr is a professor of Biophysics, and the director of the Fraunhofer Institute for Biomedical Engineering. He speaks German as a mother tongue, and is fluent in English, with about 300 articles published in English.

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## CLAIM OBJECTIONS

In the Office action, the Examiner objected to claims 97-102 due to lack of “A” or “The” in the preamble of the claims. Applicants have amended the claims to cure these informalities.

### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 97-102 under 35 U.S.C. § 102(b), as being anticipated by Pehrline, et al. (US2002/0106314). Applicants respectfully traverse this rejection in view of the amendment to claim 97 and to the specification and the remarks that follow.

Applicant would like firstly to explain that the interpretation of the Examiner to the claims and the specification as appears in page 4 of the Office action in the last two paragraphs, was not correct and stems from the errors in the translation of the application from German to English that are now corrected. Specifically, the term “auf einer festen Oberfläche aufsetzbar und verschiebbar ist” should have been translated as “it can be shifted on a solid surface after being placed thereon” and in any case does not mean that the carrier sitting on the surface would be “detached” from the solid base surface.

Claim 97 (as amended to correct the translation error as explained above) recites a method for manipulating biological cells, comprising the steps:

positioning at least one biological cell on at least one cell carrier, wherein the cell carrier comprises a bottom element, which is arranged such that it can be placed and shifted on a solid surface in a mechanically stable manner, wherein the cell carrier has a lateral dimension within the range from 10  $\mu$ m to 1 cm and a height within the range from 0.5  $\mu$ m to 2000  $\mu$ m, and

moving the cell carrier with the at least one biological cell on the base surface by exerting a magnetic force.

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In contrast, as was also asserted by the Examiner, Pelrine et al. discloses a **levitating**-particle device in which magnetic microparticles and/or effectors are **levitated** adjacent a diamagnetic surface.

However, the Pelrine reference does not disclose, teach or suggest the elements of claim 97. In particular, the Pelrine reference does not disclose a cell carrier, which comprises a bottom element, arranged such that it can be placed and shifted on a solid surface in a mechanically stable manner, as recited in amended claim 97.

In contrast, the cell carrier having the bottom element as claimed has improved mechanical stability, as is outlined, in the second paragraph (as amended herein), lines 6-11, page 3 (as filed) of the translated application:

... wherein a bottom element is provided by which the cell carrier can-be placed and shifted on a solid surface in a mechanically stable manner. By providing the bottom element, which forms a support on an underside of the cell carrier, positional stability is advantageously achieved both in the rest state and in the state in which it is moved by the magnetic force.

The above cited paragraph of the description indicates that the bottom element is actually lying on the solid surface, since it is emphasized that by providing said bottom element, positional stability of the cell carrier is achieved both in the rest state and in the moving state and that stability means that the cell carrier can be arranged without tilting on the solid surface and that no changes in the orientation of the cell carrier relative to the base surface are possible. Thus, the term "stability" refers to the moving state as well and it will be clearly evident for the skilled artisan that the provision of a bottom element of the cell carrier and the corresponding explanations with respect to a tilting-free arrangement would be rather meaningless if referring to an embodiment wherein the cell carrier is placed only transiently on the solid surface and subsequently displaced therefrom by levitation. Also, it is explicitly stated that the cell carrier according to invention can be displaced on (and not from) the base

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surface. Thus, it should be evident that an oriented movement takes place on the surface and not above.

In support of the above, Applicants submit the declaration of Professor Fuhr, an inventor of the present application. In the declaration, Professor Fuhr explains the translation mistake, and discussed the Pelrine reference, as explained above. It is respectfully submitted that in view of the above remarks and amendments, as supported by the Declaration of Professor Fuhr, the claims are allowable.

Accordingly, Applicants respectfully assert that amended independent claim 97 is allowable. Claims 98 and 100-102 depend from, directly or indirectly, claim 97, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 98 and 100-102 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 97 and to claims 98 and 100-102 dependent thereon.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 97, 98, and 100-102.

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### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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